



PUBLIC NOTICE

Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

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DA 06-255

Released: February 2, 2006

DOMESTIC SECTION 214 APPLICATION FILED FOR THE ACQUISITION OF THE ASSETS OF SUPERIOR TECHNOLOGIES, INC. BY TELNET WORLDWIDE, INC

STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 06-33

Comments Due: February 16, 2006

Reply Comments Due: February 23, 2006

On January 23, 2006, TelNet Worldwide, Inc. ("TelNet") and Superior Technologies, Inc. d/b/a Superior Spectrum ("STI") (collectively, the "Applicants") filed an application, pursuant to sections 63.03 and 63.04 of the Commission's rules,¹ seeking authority to transfer control of STI to TelNet.

Applicants assert that this transaction is entitled to presumptive streamlined treatment under section 63.03(b)(2)(i), of the Commission's rules because: (1) after the proposed transaction, TelNet's market share in the interstate, interexchange market will be less than 10%, and TelNet will provide competitive services exclusively in geographic areas served by a dominant local exchange carrier that is not a party to the transaction; and (2) neither of the Applicants is dominant with respect to any service.²

STI, a corporation formed under Michigan law, is a telecommunications carrier that provides competitive, resold local and long distance services within the state of Michigan. STI also provides resold long distance service in the states of Illinois, Minnesota, Montana, Ohio,

¹ 47 C.F.R. §§ 63.03, 63.04; *see* 47 U.S.C. § 214.

² 47 C.F.R. § 63.03(b)(2)(i).

⁴ TelNet's common-ownership, telecommunications affiliates are (1) TelNet Worldwide-IL, LLC, which is licensed to provide telecommunications services in Illinois; (2) TelNet World-wide Indiana, Inc., which is licensed to provide telecommunications services in Indiana; (3) TelNet Worldwide-Ohio, Inc., which is licensed to provide telecommunications services in Ohio; and (4) TelNet Worldwide-WI, LLC, which is licensed to provide telecommunications services in Wisconsin. None of these affiliates have begun providing any telecommunications services.

Wisconsin, Florida, and Washington, D.C. The ten percent or greater owners of STI are as follows: 1) Anthony W. Stark, a U.S. citizen, 67%; and 2) Penvest, Inc., a U.S. corporation, 33%. Neither of these owners holds a ten percent or greater ownership interest in another telecommunications company.

TelNet, a corporation formed under Michigan law, is a facilities-based carrier that provides competitive local and long distance services within the state of Michigan.⁴ The following individuals have a ten percent or greater ownership interest in TelNet: 1) Mark Iannuzzi, a U.S. citizen, 50%; and 2) Frank Iannuzzi, a U.S. citizen, 50%.

TelNet proposes to purchase the assets of STI, including STI's customer accounts and the Superior Spectrum name. Upon completion of the proposed transaction, TelNet will become the provider of local and long distance telecommunications services to STI's current subscribers. The transaction will result in the transfer of STI's assets to TelNet, including STI's customer base and the Superior Spectrum name. As a result, STI will no longer provide telecommunications services.

Applicants state that the proposed transaction serves the public interest because the transaction will strengthen competition in the markets covered by this transaction. The Applicants state that the customers of STI will continue to receive services under the same rates, terms, and conditions as those services are currently provided. Furthermore, the Applicants assert that the proposed transaction is not expected to result in any interruption in service to customers. The Applicants assert that the proposed transaction will permit TelNet to expend its managerial, technical, and financial resources to ensure continued delivery and improvement of the services provided to STI's customers. TelNet states that it is dedicated to offering a comprehensive set of voice, data, Internet, and infrastructure services to service provider, business, and residential markets. In sum, the Applicants state that the transaction will also benefit competition because TelNet intends to serve a significant portion of STI's customers with TelNet's own facilities.

GENERAL INFORMATION

The acquisition of assets identified herein has been found, upon initial review, to be acceptable for filing as a streamlined application. The Commission reserves the right to return any transfer of control application if, upon further examination, it is determined to be defective and not in conformance with the Commission's rules and policies. Pursuant to sections 1.415 and 1.419 of the Commission's rules, 47 CFR §§ 1.415, 1.419, interested parties may file **comments on or before February 16, 2006 and reply comments on or before February 23, 2006.**⁵ Unless otherwise notified by the Commission, Applicants are permitted to transfer the assets and related control on the 31st day after the date of this notice.⁶ Comments may be filed

⁵ See 47 C.F.R. § 63.03(a).

⁶ Such authorization is conditioned upon receipt of any other necessary approvals from the Commission in connection with the proposed transaction.

using: (1) the Commission's Electronic Comment Filing System (ECFS), (2) the Federal Government's eRulemaking Portal, or (3) by filing paper copies. *See Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

- **Electronic Filers:** Comments may be filed electronically using the Internet by accessing the ECFS: <http://www.fcc.gov/cgb/ecfs/> or the Federal eRulemaking Portal: <http://www.regulations.gov>. Filers should follow the instructions provided on the website for submitting comments.
- For ECFS filers, if multiple docket or rulemaking numbers appear in the caption of this proceeding, filers must transmit one electronic copy of the comments for each docket or rulemaking number referenced in the caption. In completing the transmittal screen, filers should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions, filers should send an e-mail to ecfs@fcc.gov, and include the following words in the body of the message, "get form." A sample form and directions will be sent in response.
- **Paper Filers:** Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

The Commission's contractor will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class, Express, and Priority mail should be addressed to 445 12th Street, S.W., Washington D.C. 20554.

People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

You may submit comments, identified by the above noted docket number, by any of the following methods:

- Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments.
- Federal Communications Commission's Web Site: <http://www.fcc.gov/cgb/ecfs/>. Follow the instructions for submitting comments.
- People with Disabilities: Contact the FCC to request reasonable accommodations (accessible format documents, sign language interpreters, CART, etc.) by e-mail: FCC504@fcc.gov or phone: 202-418-0530 or TTY: 202-418-0432.

In addition, one copy of each pleading must be sent to each of the following:

- (1) The Commission's duplicating contractor, Best Copy and Printing, Inc., 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554, www.bcpiweb.com; phone: (202) 488-5300 fax: (202) 488-5563;
- (2) Tracey Wilson-Parker, Competition Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 5-C212, Washington, D.C. 20554; email: tracey.wilson-parker@fcc.gov;
- (3) Kimberly Jackson, Competition Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 5-C142, Washington, D.C. 20554; e-mail: kimberly.jackson@fcc.gov;
- (4) Susan O'Connell, Policy Division, International Bureau, 445 12th Street, S.W., Room 7-B544, Washington, D.C. 20554; email: susan.o'connell@fcc.gov; and
- (5) James Bird, Office of General Counsel, 445 12th Street, S.W., Room 8-C824, Washington, D.C. 20554; e-mail: james.bird@fcc.gov.

Filings and comments are also available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, S.W., Room CY-A257, Washington, D.C. 20554. They may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., Portals II, 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554, telephone: (202) 488-5300, fax: (202) 488-5563, or via e-mail www.bcpiweb.com.

For further information, please contact Tracey Wilson-Parker at (202) 418-1394, or Kimberly Jackson at (202) 418-7393.

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